

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE	
PETITION TO ISSUE NOTICE OF ALLOWANCE OR, IN THE ALTERNATIVE, TO MAKE SPECIAL BECAUSE OF ACTUAL INFRINGEMENT	Atty. Docket No. (Opt.) IBIG1100-2
Applicant Paul V. Morinville	
Application Number 09/990,954	Filed 04/21/2001
For Signature Loop Authorizing Method and Apparatus	
Group Art Unit 2175	Examiner Rimell, Samuel G.
Confirmation Number: 4408	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The Applicant submits this Petition to the Commissioner under 37 CFR 1.182, as a matter not specifically provided for in the regulations to obtain issuance of a Notice of Allowance on the above identified application. If the Petition under 37 CFR 1.182 is not granted, the Applicant hereby petitions in the alternative under 37 C.F.R. § 1.102 and M.P.E.P. 708.02(II) to make the application special and to thereby expedite handling of the application.

The present application was filed on November 21, 2001, and prosecution of the application continued through May 5, 2006, when the Examiner (Mr. Samuel Rimell) issued an action in which the only outstanding was an antecedent basis rejection of claim 36 (and claims depending therefrom). In this rejection, the Examiner stated that "the identified person" should be changed to "an identified person." On or about May 9, 2006, the undersigned telephoned the Examiner to authorize this change via an Examiner's amendment. On or about May 10, 2006, the undersigned telephoned the Examiner to confirm that the Examiner would enter this amendment and submit the papers for allowance of the application.

As of June 12, 2006, the PAIR system indicated that the status of the application was "allowance counted". In telephone conversations with the Examiner, the Examiner had

indicated that Notices of Allowance are normally mailed out within a week of submission of the allowance papers by the Examiner. When the undersigned did not receive a Notice of Allowance for several weeks following the "allowance counted" status date of June 12, 2006, the undersigned contacted the Examiner, who pointed out that the absence of the Notice of Allowance indicated the application had entered a secondary review process.

During the course of the months following June 12, 2006, the undersigned made numerous telephone calls to the Examiner in an attempt to determine the status of the secondary review process, but the Examiner indicated that he did not have access to such information. The undersigned made various telephone calls to persons within the USPTO and was ultimately directed to the Examiner's supervisor, Mr. Charles Rones. While Mr. Rones did not initially have information on the status of the secondary review, Mr. Rones indicated in a telephone call in early October that he had obtained information that the application was scheduled for review at the end of October.

Following the expected review at the end of October, the undersigned repeatedly checked the status of the application on PAIR, but no change was observed, and no Notice of Allowance was received. The undersigned therefore placed additional telephone calls to the Examiner and to Mr. Rones, but neither had any further information on the status of the secondary review.

It is currently more than eight (8) months past the date on which the last remaining issue in the prosecution of the application was resolved. It has been more than seven (7) months since the status of the application in PAIR was changed to "allowance counted." It has been more than two and a half (2.5) months since the expected review of the case at the end of October, 2006. In the meantime, a related application by the same Applicant was allowed by the same Examiner 3-4 months subsequent to allowance of the present application, the second application underwent secondary review, and a Notice of Allowance for the second application was mailed out on December 18, 2006.

The Applicant respectfully submits that the delay of the present application in the secondary review process is unreasonable, particularly in light of the USPTO's stated interest in reducing the pendency of applications. This unreasonableness is compounded by the fact that the secondary review process is concealed from the Applicant and the Examiner, and is conducted without any apparent oversight or accountability.

The unreasonable delay of the present application in the secondary review process is causing undue hardship to the Applicant because the invention is being infringed, and the Applicant cannot stop the infringement without the issued patent. Because of the hardship to the Applicant caused by this delay, the Applicant hereby petitions the Commissioner to expedite the secondary review of the application and to issue the Notice of Allowance for the application.

In the event that the Commissioner does not grant this Petition under 37 CFR 1.182, the Applicant respectfully petitions in the alternative to make the application special and advance the examination of the above-identified application because of actual infringement under 37 C.F.R. § 1.102 and M.P.E.P. 708.02(II). The Applicant submits that this Petition meets all of the requirements of 37 C.F.R. § 1.102 and M.P.E.P. 708.02(II) for a grantable petition. The Applicant notes that a petition to make the application special because of actual infringement was not previously filed because both the Examiner and Mr. Roncs stated in conversations with the undersigned that they did not believe such a petition would expedite secondary review and that they also believed the secondary review would be completed before the petition would be granted.

This Petition is accompanied by the Declaration of Paul V. Morinville in regard to actual infringement. If a further showing in support of this Petition is deemed necessary, the Applicant invites the Commissioner to call the undersigned to obtain the required showing.

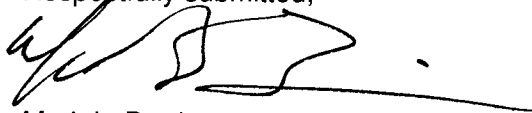
The Applicant hereby requests that this Petition be granted, that the application be made special, and that the Notice of Allowance for the application be mailed to the Applicant.

The Applicant points out that the references which are believed to be the most closely related to the subject matter encompassed by the claims are already of record in the patent application.

The Applicant submits herewith a credit card payment form for the fee as set forth in 37 C.F.R. § 1.17(h). If any fees are inadvertently omitted, or if any additional fees are required, or if any amounts have been overpaid, please appropriately charge or credit those fees to Deposit Account No. 50-3085 of the Law Offices of Mark L. Berrier.

In view of this Petition, in the event that there remain matters to be resolved in this application, the Examiner is invited to call the undersigned so that a prompt disposition of the application can be achieved.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mark L. Berrier', with a long horizontal flourish extending to the right.

Mark L. Berrier
Registration No. 35,066

Dated: _____

1/24/07

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE	
DECLARATION BY PAUL V. MORINVILLE IN SUPPORT OF PETITION TO ISSUE NOTICE OF ALLOWANCE OR, IN THE ALTERNATIVE, TO MAKE SPECIAL BECAUSE OF ACTUAL INFRINGEMENT	Atty. Docket No. (Opt.) IBIG1100-2
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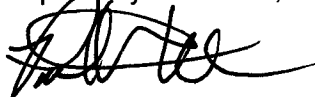
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I, Paul V. Morinville, President of Internet Business Information Group (assignee of the above-referenced application) do hereby make the following declarations:

1. The present application (number 09/990,954) is an application filed November 21, 2001.
2. The present application includes, among others, claims to software-based methods for searching for a selected role within a hierarchical organizational structure.
3. I have become aware that an infringing software product is actually on the market.
4. I have made a rigid comparison of the infringing software product with the claims of the present application and it is my opinion that at least one of the claims is unquestionably infringed.
5. I have a good knowledge of the pertinent prior art.

Respectfully submitted,



Paul V. Morinville,
President,
Internet Business Information Group

Date: 1-19-07